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10/763,284	01/26/2004	Tomohiro Shinoda	KAW-314-USAP	6476
28892	7590	11/14/2006	EXAMINER	
SNIDER & ASSOCIATES P. O. BOX 27613 WASHINGTON, DC 20038-7613			LEE, BENJAMIN WILLIAM	
			ART UNIT	PAPER NUMBER
			3709	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,284

Applicant(s)

SHINODA, TOMOHIRO

Examiner

Benjamin W. Lee

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4-20-2004; 4-20-2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 1, ¶ [0004], line 2: “manias” is suggested to be -- maniacs --.

Page 3, ¶ [0011], line 2: “playing” should be changed to -- played --.

Page 16, ¶ [0096], line 3: “R/W50” should be changed to -- R/W 50 --.

Page 21, ¶ [0127], line 6: “magic A and C” should be changed to -- magic A and B --.

Appropriate correction is required.

Claim Objections

2. Claims 1, 5, 16, 17, and 18 are objected to because of the following informalities:

Claim 1, line 1: “playing” should be changed to -- played --.

Claim 5, line 1: “is” should be deleted.

Claim 16, line 1: “further comprising trading card” should be changed to -- further comprising a trading card --.

Claim 17, line 1: “is” should be deleted.

Claim 18, line 1: “playing” should be changed to -- played --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 6 and 7 are single means claims and therefore are nonenabling. Claims 8-12 depend on claim 7 and therefore are also nonenabling.

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1, 5-7, 9, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US 6,468,162 B1).

Re claim 1: Nakamura discloses a gaming machine for providing a game played with a trading card (72) which stores character data of a character and has a surface printed with a detail of the character data. Nakamura further discloses the gaming machine comprises a data updating device/printer (56) that writes changed character data in the trading card in response to a change in the character data according to a state of proceeding with the game. The changed character data is written and stored on the surface of the trading card and the character data changes according to a state of proceeding with the game (see Figs. 11A and 11B). Nakamura further discloses the gaming machine comprises a printing device (56) that prints a detail of the changed character data onto the surface of the trading card (see Figs. 2, 3A, 7, 11A, and 11B; col. 5, lines 51-58; col. 12, line 53 - col. 13, line 17).

Re claim 5: The teachings of Nakamura as applied to claim 1 have been discussed above. Nakamura further discloses a plurality of gaming machines arranged in parallel (see Fig. 1). The arcade game machines 10-1, 10-2, ... , 10-N are networked to a host machine. Each arcade machine may perform their respective operations simultaneously (in parallel).

Re claim 6: Nakamura discloses a trading card (72) for a gaming machine wherein the trading card stores character data of a character and has a surface printed with a detail of the character data (see Fig. 7). Character data is stored in the print on the surface of the card.

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Although Nakamura is silent with respect to detail of the character data is printable a plurality of times, it is believed the arcade game machine inherently has the ability to print duplicate cards based on the same character data. Thus, the character data is printable a plurality of times.

Re claim 7: Nakamura discloses a trading card (72) for a gaming machine wherein the trading card stores character data of a character and has a surface printed with a detail of the character data (see Fig. 7). Character data is stored in the print on the surface of the card.

Although Nakamura is silent with respect to detail of the character data is repeatedly erasable and printable, it is believed the invention inherently repeatedly erases character data from the RAM/storage section (32) of the machine since new character data may be loaded and the character data is repeatedly printable since the arcade game machine has the ability to print duplicate cards based on the same character data (see col. 6, lines 57-65).

Re claim 9: Nakamura further discloses the detail of the character data printed in the trading card is at least one of a figure of the character, a capacity value of the character, and a number of appearances of the character in the game. Fig. 7 discloses a figure of the character and capacity values of the character.

Re claim 13: Nakamura discloses a game system comprising a trading card (72) which stores character data of a character and has a surface printed with a detail of the character data; a game controlling device/processing section (20) which proceeds with a game according to the character data stored in the trading card and a control signal from a controller (64); a data

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updating device (56) which writes changed character data in the trading card in response to a change in the character data according to a state of proceeding with the game (see Figs. 11A and 11B); and a printing device (56) which prints a detail of the changed character data onto the surface of the trading card (see Figs. 2, 3A and 7; 11A, and 11B; col. 5, lines 51-58; col. 12, line 53 - col. 13, line 17).

Re claim 17: The teachings of Nakamura as applied to claim 13 have been discussed above. Nakamura further discloses a plurality of gaming machines arranged in parallel (see Fig. 1). The arcade game machines 10-1, 10-2, ... , 10-N are networked to a host machine. Each arcade machine may perform their respective operations simultaneously (in parallel).

7. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Weston et al. (US 2001/0034257 A1).

Re claim 6: Weston et al. discloses a trading card (900) for a gaming machine which stores character data of a character and has a surface printed with a detail of the character data (see Figs. 11A, 11C, 11D; ¶ [0093]; ¶ [0094]). Although Weston et al. is silent with respect to the detail of the character data is printable a plurality of times, it is believed that the invention inherently has the ability to print details of the character data a plurality of times since the data stored in the RFID module can be sent to a printer (see ¶ [0048], lines 1-5).

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Re claim 7: Weston et al. discloses a trading card (900) for a gaming machine which stores character data of a character and has a surface printed with a detail of the character data (see Figs. 11A, 11C, 11D; ¶ [0093]; ¶ [0094]). Although Weston et al. is silent with respect to the detail of the character data is repeatedly erasable and printable, it is believed that the invention inherently has the ability to repeatedly erase and print character data since the data stored in the RFID module can be sent to RAM in a computer (which is repeatedly erasable) or a printer (which can repeatedly print out character data) (see ¶ [0048], lines 1-5).

Re claim 8: Weston et al. further discloses a transponder of a radio frequency identification (RFID) system is utilized as the trading card (see ¶ [0049]).

Re claim 9: Weston et al. further discloses the detail of the character data printed in the trading card is at least one of a figure of the character (925), a capacity value of the character, and a number of appearances of the character in the game (930). Fig. 11A discloses a figure of the character and capacity values of the character.

8. Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohta et al. (US 2004/0169086 A1).

Re claim 6: Ohta et al. discloses an IC card (see Fig. 1) which stores character data of a character and has a surface/reversible recording layer (3) printed with a detail of the character

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data. The detail of the character data is printable a plurality of times on the reversible recording layer (see ¶ [0004], lines 1-4; ¶ [0074]).

Re claim 7: Ohta et al. discloses an IC card (see Fig. 1) which stores character data of a character and has a surface/reversible recording layer (3) printed with a detail of the character data. The detail of the character data is repeatedly erasable and printable on the reversible recording layer (see ¶ [0004], lines 1-4; ¶ [0074]; ¶ [0076], lines 1-5).

Re claim 8: Ohta et al. further discloses a transponder of a radio frequency identification system (RFID) system/antenna and IC chip is utilized as the trading card (see ¶ [0004]).

Re claim 9: Ohta et al. further discloses the detail of the character data printed in the trading card is at least one of a figure of the character, a capacity value of the character, and a number of appearances of the character in the game. Ohta et al. discloses the information recording card may be used as an identification card. It is believed that most identification cards inherently have a figure of the character on the card (see ¶ [0001]).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Takemoto et al. (US 5,534,685).

Re claims 2-4: The teachings of Nakamura as applied to claim 1 have been discussed above.

However, Nakamura fails to disclose or fairly suggest an erasing device which erases the detail of the character data printed previously when the printing device prints the detail of the changed character data on to the surface of the trading card, the printing device is utilized so as to add the detail of the changed character data to the detail of the character data printed previously, and a trading card moving device having a slot which inserts and discharges the trading card, the trading card moving device moving the trading card inserted in the slot into the gaming machine.

Takemoto et al. teaches a repeatedly usable recording medium card and a recording medium card processor for use in gaming machines. The recording medium card processor features an erasing mechanism (35) which erases the detail of data printed previously when the recording medium card processor prints the detail of changed data on to the surface of the card (see Fig. 2; col. 7, lines 35-43). Takemoto et al. further discloses the recording medium processor is used to visually record and erase necessary items (see col. 2, lines 50-58). Takemoto et al. further discloses that the recording medium card processor has a slot (31, 56), inserts and discharges the card, and moves the card inserted in the slot into the gaming machine (see col. 7, lines 12-26).

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Therefore, in view of Takemoto et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the printer of Nakamura with the recording medium card processor of Takemoto et al. in order to prevent the waste of natural resources by saving paper.

Re claim 14-16: The teachings of Nakamura as applied to claim 13 have been discussed above.

However, Nakamura fails to disclose or fairly suggest an erasing device which erases the detail of the character data printed previously when the printing device prints the detail of the changed character data on to the surface of the trading card, the printing device is utilized so as to add the detail of the changed character data to the detail of the character data printed previously, and a trading card moving device having a slot which inserts and discharges the trading card, the trading card moving device moving the trading card inserted in the slot into the gaming machine.

Takemoto et al. teaches a repeatedly usable recording medium card and a recording medium card processor for use in gaming machines. The recording medium card processor features an erasing mechanism (35) which erases the detail of data printed previously when the recording medium card processor prints the detail of changed data on to the surface of the card (see Fig. 2; col. 7, lines 35-43). Takemoto et al. further discloses the recording medium processor is used to visually record and erase necessary items (see col. 2, lines 50-58). Takemoto et al. further discloses that the recording medium card processor has a slot (31, 56),

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inserts and discharges the card, and moves the card inserted in the slot into the gaming machine (see col. 7, lines 12-26).

Therefore, in view of Takemoto et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the printer of Nakamura with the recording medium card processor of Takemoto et al. in order to prevent the waste of natural resources by saving paper.

11. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Kazushi (Japanese Unexamined Patent Publication No. HEI 8-80682).

The teachings of Ohta et al. as applied to claim 7 have been discussed above. Ohta et al. further discloses the card comprises an antenna/circuit pattern (12) and a single chip (14) which allows a radio wave to be transmitted and received (see Figs. 12 and 14; ¶ [0004]; ¶ [0041]), a rewritable layer (3) adapted to become transparent or opaque depending on heat (see ¶ [0006]), the rewritable layer becomes transparent when heated to a specific temperature so that the detail of the character data printed on the surface is erased (see ¶ [0006]; ¶ [0077], lines 10-15), and the rewritable layer selectively becomes opaque so that the detail of the character data appears on the trading card and is printed (see ¶ [0006]).

However, Ohta et al. fails to disclose or fairly suggest a color layer which generates heat upon irradiation with the light having a specific wavelength.

Kazushi teaches a color rewritable recording medium and recording method using the same. As admitted by the Applicant, Kazushi discloses the printing and erasing processes concerning the rewritable card, including a color layer and a rewritable layer.

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Therefore, in view of Kazushi, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the color rewritable techniques of Kazushi in the IC card of Ohta et al. in order to provide rewritable color printing which would increase the aesthetic appeal of the IC cards.

12. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Ohta et al.

Re claims 18: The claim limitations “updating means for writing changed character data in the trading card in response to a change in the character data according to a state of proceeding with the game” on lines 5-7 and “printing means for printing a detail of the changed character data onto the surface of the trading card” on lines 8-9 invoke 35 U.S.C. 112, sixth paragraph.

Nakamura discloses a printer (56) which prints a detail of the changed character data onto the surface of the trading card.

However, Nakamura fails to disclose or fairly suggest an updating means for writing changed character data in the trading card in response to a change in the character data according to a state of proceeding with the game.

Ohta et al. teaches an IC card and a reader/writer for communicating with the IC card which is equivalent to the controller 40 and R/W 50 as depicted in Fig. 4B (see ¶ [0154]).

Therefore, in view of Ohta et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the IC card and reader/writer Ohta et al. in place

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of the memory card and trading card of Nakamura in order to increase the security of the card game by making forgery of cards more difficult.

Re claim 19: The claim limitation “erasing means for erasing the detail of the character data printed previously when the printing means prints the detail of the changed character data onto the surface of the trading card” on lines 1-4 invokes 35 U.S.C. 112, sixth paragraph.

The teachings of Nakamura in view of Ohta et al. as applied to claim 18 have been discussed above. Ohta et al. further discloses a reversible recording layer (3) that becomes transparent or opaque depending on heat (see ¶ [0006]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add an erasing/printing device adapted to take advantage of the reversible recording layer of the IC card.

Re claim 20: The claim limitations “game controlling means for proceeding with a game according to the character data stored in the trading card and a control signal from a controller” on lines 4-5, “updating means for writing changed character data in the trading card in response to a change in the character data according to a state of proceeding with the game” on lines 6-8, and “printing means for printing a detail of the changed character data onto the surface of the trading card” on lines 9-10 invoke 35 U.S.C. 112, sixth paragraph.

Nakamura discloses a trading card (72) which stores character data of a character and which has a surface printed with a detail of the character data, a processing section (20) that is equivalent to the main controller 30 as depicted in Fig. 4A, and a printer (56) for printing a detail

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of the changed character data onto the surface of the trading card (see Figs. 2 and 7; col. 5, lines 59-67; col. 7, lines 56-60).

However, Nakamura fails to disclose or fairly suggest an updating means for writing changed character data in the trading card and a control signal from a controller.

Ohta et al. teaches an IC card with an IC chip and a reader/writer to communicate with the IC card (see ¶ [0004]; ¶ [0154]).

Therefore, in view of Ohta et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the IC card and reader/writer Ohta et al. in place of the memory card and trading card of Nakamura in order to increase the security of the card game by making forgery of cards more difficult.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishihara discloses a game card and game system using a game machine. Matsuda discloses a rewriteable card and printing apparatus for the card. Grady discloses a card reader and scanner device. Murata discloses a card with a non-contact IC and a rewriteable face.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin W. Lee whose telephone number is 571-270-1346. The examiner can normally be reached on Mon - Thurs (7:30AM-5PM), or Alt. Fri (7:30AM-4PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bwl/
Benjamin W. Lee
November 7, 2006


KIM NGUYEN
PRIMARY EXAMINER